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REQUEST FOR RECONSIDERATION
UNDER 37 C.F.R. §1.116
** EXPEDITED PROCEDURE **

Docket No.: 1293.1805

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Suk-gyun HAN et al.

Serial No. 10/750,894

Group Art Unit: 2861

Confirmation No. 2081

Filed: January 5, 2004

Examiner: Hai Chi PHAM

For: LASER SCANNING UNIT

REQUEST FOR WITHDRAWAL OF FINALITY

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Applicants are in receipt of a final Office Action mailed December 6, 2006, in the subject application. However, Applicants respectfully request that the finality of the subject Office Action should be withdrawn as deficient. The Office's own "Response to Arguments" does not respond to the patentability arguments presented in the most recently filed Amendment. Also, the "Response to Arguments" reveals that the Office did not consider the patentability arguments presented in the most recently filed Amendment. In support of this request, Applicants state the following:

1. On filed September 27, 2006, Applicants filed an Amendment in which Applicants argued the following:

Independent claims 1, 45, and 46 recites, inter alia, a laser scanning unit with a motor drive chip mounted on a main printed circuit board of a printing machine with which a laser scanning unit is used.

* * * * *

...because the Hori IC is mounted on the casing, Hori cannot meet at least the aforementioned features of independent claims 1, 45,

and 46.

(See Exhibit 1, Amendment filed September 27, 2006, page 11).

2. In a final Office Action mailed December 6, 2006, in a "Response to Arguments" section thereof, the Office explained that all rejections were maintained because:

- (i) Applicants argued that an integrated circuit (IC) of the cited art is not disposed outside of a housing; and
- (ii) The subject IC is "disposed on the main circuit board ... and facing outside of the housing"

(See Exhibit 2, Final Office Action mailed December 6, 2006, page 7).

3. The statement that Applicants argued that the subject IC of Hori was not disposed outside of the housing is without basis in fact. As Exhibit 1 shows, at page 11 of the Amendment filed September 27, 2006, Applicants expressly argued that because the Hori IC is mounted on the casing, Hori cannot meet at least the features of independent claims 1, 45, and 46 specified in the Amendment filed September 27, 2006 (a laser scanning unit with a motor drive chip mounted on a main printed circuit board of a printing machine with which a laser scanning unit is used). Therefore, Applicants argued that the Hori IC could not reasonably be said to be on the main printed circuit board of a printing machine.

4. Section 707.07(f) of the Manual of Patent Examining Procedure (MPEP) instructs that:

Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.


5. The Office repeated the rejections of all of the claims. However, the Office neither "took note" of Applicants' argument nor "answered the substance" of Applicants' argument. Thus, the final Office Action is deficient because the Office failed to satisfy the requirements of MPEP § 707.07(f).

Applicants respectfully request withdrawal of the Finality of the outstanding Office Action.

Respectfully submitted,

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Date: 1-8-07

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EXHIBIT 1

Traversals

Claims 1-3, 5-7, 13, 45, and 46 stand rejected under 35 U.S.C. §103(a) as being unpatentable over JP 8-211317 (Hori) in view of U.S. Patent No. 6,118,238 (Munro et al.). Claim 4 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Hori in view of Munro et al. and further in view of KR 2002-0033922 (Choi et al.). Claims 8-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Hori in view of Munro et al. and further in view of U.S. Patent No. 5,430,362 (Carr et al.). All rejections are respectfully traversed.

Independent claims 1, 45, and 46 recites, inter alia, a laser scanning unit with a motor drive chip mounted on a main printed circuit board of a printing machine with which a laser scanning unit is used.

However, Applicants respectfully submit that none of the asserted citations teaches or suggests at least the aforementioned features of independent claims 1, 46, and 47. Thus, without conceding the propriety of the asserted combinations, the asserted combinations are likewise deficient.

It is to be appreciated that independent claims 1, 45, and 46 have been amended to recite features based on cancelled claim 2.

The primary citation to Hori relates to an optical deflection scanner and discusses a scanner including a casing 11 enclosing a motor 13. The casing is covered by a cap consisting of an electrical circuit board 17 on which an integrated circuit (IC) controlling the motor is formed. (Hori; Abstract; FIG. 1).

The Office Action contends that the IC is a motor drive chip. (Office Action, page 3). The Office Action also contends that the motor drive chip is mounted on a main circuit board of a printing machine. (Office Action, page 4). This latter contention is respectfully traversed.

As FIG. 1 of Hori illustrates, the IC is on the top of the casing enclosing the motor. Thus, the alleged motor drive chip is mounted on the casing. And, because the Hori IC is mounted on the casing, Hori cannot meet at least the aforementioned features of independent claims 1, 45, and 46. That is, the Hori IC is mounted on the casing. Further, it is respectfully submitted that Hori actually teaches away from the present invention as recited in claims 1, 45, and 46.

The secondary citation to Munro et al. relates to a motor starting apparatus for an engine driven generator and is cited for various features of various dependent claims. Applicants

EXHIBIT 2

Applicants argued that "because the Hori IC is mounted on the casing, Hori cannot meet at least the aforementioned features of independent claims 1, 45, and 46", e.g., the "motor drive chip disposed outside of the housing", and that "Hori actually teaches away from the present invention as recited in claims 1, 45, and 46". The examiner respectfully disagrees. Hori discloses in Figs. 1 and 2 the IC chip for controlling both the semiconductor laser beam source (16) and the polygon motor (13) is disposed on the main circuit board (17) mounted on top of the casing (11) and facing the *outside* of the housing as opposed to the optical scanning components, e.g., semiconductor laser beam source, polygon mirror and scanning lenses, which are disposed in the *interior* of the casing. In other words, the motor drive chip is actually disposed outside of the housing of the scanning unit. The teaching of Hori therefore fully meets the claimed features of independent claims 1, 45, and 46.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of